

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFF LEROY HARP,

Plaintiff,

v.

MARK NELSON, et al.,

Defendants.

CASE NO. C16-5150 BHS-JRC

REPORT AND RECOMMENDATION

NOTED: August 12, 2016

Plaintiff Jeff Leroy Harp is presently confined at the Cowlitz County Jail. Dkt. 7. On March 10, 2016, the Court granted Plaintiff's Application to Proceed In Forma Pauperis. Dkt. 5. Plaintiff filed his complaint the same day, Dkt. 6, and his amended complaint on March 28, 2016, Dkt. 7. The Court declined to serve the amended complaint because it was deficient. Dkt. 10. Instead, the Court ordered plaintiff to show cause, by the filing of an amended complaint, why his complaint should not be dismissed for failure to state a claim under 42 U.S.C. § 1983. Dkt. 10. Plaintiff was given until June 22, 2016 to comply with the Court's April 15, 2016 order.

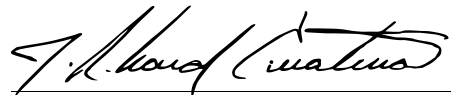
On April 20, 2016, the Court received a letter from plaintiff (Dkt. 12), which the Court determined did not comply with the Court's April 15, 2016 order, Dkt. 10. In the Court's May

1 24, 2016 order, plaintiff was warned that if a second amended complaint was not filed by June
2 22, 2016, curing the defects previously noted, the Court would recommend dismissal of this
3 action. Dkt. 14. Plaintiff was also given leave to amend his request for injunctive relief by June
4 22, 2016. *Id.* Plaintiff has not filed a second amended complaint, nor an amended request for
5 injunctive relief. The Court also notes that mail sent from the Court to the plaintiff at his last
6 known address was returned undeliverable on June 8, 2016. Dkts. 15, 16. Plaintiff has an
7 ongoing duty to advise the court of any changes in address, which apparently, plaintiff has not
8 done here.

9 Thus, the Court recommends dismissing this action without prejudice.

10 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
11 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
12 6. Failure to file objections will result in a waiver of those objections for purposes of *de novo*
13 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
14 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on
15 **August 12, 2016**, as noted in the caption.

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17 Dated this 21st day of July, 2016.

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J. Richard Creatura
United States Magistrate Judge